

CWP No.12388 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12388 of 2015
Date of decision:21.07.2015**

Agrima Lailer

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ravinder Malik, Advocate,
for the petitioner.

Mr. Puneet Gupta, Advocate,
for respondents No.3 to 5.

Rakesh Kumar Jain, J.

The petitioner appeared on 10.05.2015 in the Common Law Admission Test-2015 (hereinafter referred to as the "CLAT-2015") held at Patiala. She allegedly secured 91.5 marks and her All India Rank was 718. It is alleged that the respondents displayed the answer key with question papers on their website and as per the petitioner, there were discrepancies in the answer keys of about 30 questions. She made two online representations for correcting the errors but the respondents cancelled only two questions and awarded marks against question No.35 and 186. In view of the aforesaid correction, the ranking of the petitioner was revised from 718 to 693. It is, therefore, prayed in the petition that the examination held on 10.05.2015 may be cancelled and an independent expert may be appointed

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to look into the accuracy of all the questions and answers of the CLAT-2015.

In the reply filed on behalf of respondents No.3 to 5, it is alleged that the present petition is not maintainable before this Court on the ground of lack of territorial jurisdiction as the CLAT-2015 was got conducted by the Dr. Ram Manohar Lohiya National Law University, Lucknow; the application forms were submitted and received at Lucknow; the result was declared at Lucknow and all the fees etc. were also paid at Lucknow. It is further alleged that the petitioner was granted admission on 27.06.2015 in the Rajiv Gandhi National University of Law, Patiala, pursuant to publication of 3rd allotment list on 21.06.2015. However, the petitioner exercised her option for up-gradation of her preference of the Law Institute as in the list of Universities, the Rajiv Gandhi National University of Law, Patiala is at Sr. No.9, whereas the Hidayatullah National Law University, Raipur is at Sr. No.7. The petitioner was allotted the Hidayatullah National Law University, Raipur, in the 4th and final allotment list issued on 01.07.2015, where she took admission on 06.07.2015 and after her exit from the Rajiv Gandhi National University of Law, Patiala, the seat vacated by her was allotted to the next student, who is not a party to the present writ petition.

It is further alleged that after declaration of the result, certain complaints were received (none from the petitioner) regarding certain questions/answers and keeping in view the larger common interest of the candidates, some of these questions were referred to the panel of experts,

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upon which certain disputed questions were got reviewed from the experts and except two questions [Question No.35 (ID 1744) and Question No.186 (ID 1907)], all other questions were found to be correct. Question No.35 was recalled and one mark was given to all the candidates. In Question No.186, since two answers ('C' & 'D') were identical, therefore, one mark was given to all those candidates who had opted either option 'C' or 'D'.

It is further alleged that similar issue with regard to correctness of the 30 questions/answers was also raised before the Bombay High Court in the case of **“Mr. Subham Dutt vs. The Convenor, CLAT 2015 (UG) Exam and others”**, Writ Petition (Lodging) No.1784 of 2015, decided by on 02.07.2015 and the said writ petition was disposed of by the Division Bench with the following order:-

- “a) Respondent NO.1-CLAT to appoint an Expert Panel/Committee, as early as possible, preferably within 5 days from today and refer 7 objections/questions or other connected issues, for clarification/explanation, for their consideration immediately.
- b) The Expert Panel/Committee to clarify and/or take decision with reasons on all the objections/questions, as recorded within 3 days thereafter, by following the due process of law.
- c) The Expert Panel/Committee to take effective decision and actions for re-preparing and/or

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revising the merit list of candidates, if necessary, (CLAT-15) after re-valuation and/or assessment, if required, or pass or declare such results merit list immediately, within 4 days thereafter.

- d) It is made clear that (CLAT-2015), the whole merit list and all subsequent process, will be subject to outcome of the Expert Panel/Committee's decision, so referred above, which will be taken as early as possible by all the concerned, to avoid further delay of any kind.”

It is further alleged that in view of the aforesaid decision of the Bombay High Court, the Expert Committee was constituted and all the 30 questions disputed by the petitioner were referred to this Expert Committee by the Dr. Ram Monohar Lohiya National Law University, Lucknow and an information was passed on 10.07.2015 to the Registrar of the Rajiv Gandhi National University of Law, Patiala that the questions disputed by the petitioner have been reviewed by the Expert Committee, who did not find any discrepancy therein, therefore, there is no change in the result of CLAT-2015. The Registrar of the Rajiv Gandhi National University of Law, Patiala, was also intimated that the information would also be sent to the petitioner in this regard, but the report of the Expert Committee, being confidential, would not be provided to the petitioner. The said report has been produced before this Court in a sealed cover. The Court has perused the report by opening the sealed cover and the envelope has been re-sealed,

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which though remain on the record.

Counsel for the petitioner has vehemently argued that because of the error in the questions/answers, the rank of the petitioner has been seriously effected, otherwise she could have got admission in a better University then the University in which she had already got admission.

On the other hand, counsel for the respondents has argued that the petitioner does not have any cause of action to pursue this petition after the report of the Expert Committee sent by the University who had conducted the exam opining that no discrepancy has been found in the question/answer, as stated by the petitioner.

I have heard learned counsel for the parties and perused the available record.

There is no dispute that the petitioner was initially allotted the Rajiv Gandhi National Law University, Patiala but she stood upgraded in the better University and ultimately got admission in the Hidayatullah National Law University, Raipur on 06.07.2015. There is also no dispute that the issue regarding correctness of question/answer of CLAT-2015 came up for adjudication before the Division Bench of the Bombay High Court in **Mr. Subham Dutt's case (supra)** and the said writ petition was disposed of on 02.07.2015 with certain directions to re-examine the questions through the Expert Committee, as early as possible.

I have perused the report produced by the respondent-University, sent to them by the Ram Manohar Lohiya National Law University, Lucknow, who had conducted the CLAT-2015 exam, in regard

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to assessment of the alleged errors highlighted by the petitioner and it has been found by the Expert Committee that there was no such discrepancies in any of the questions/answers, referred to by the petitioner, therefore, there is no possibility of change in her rank.

It is needless to mention that once the matter has been duly considered by the Expert Panel/Committee of the respondent-University who had conducted the exam, in terms of the decision of the Bombay High Court in **Mr. Subham Dutt's case (supra)** and it has been found that there was no discrepancy, coupled with the fact that the petitioner had already got admission in the Hidayatullah National Law University, Raipur and the seat vacated by her has been offered to the next candidates, there is hardly any reason to interfere in this petition.

Consequently, the present writ petition is hereby dismissed, though without any order as to costs.

July 21, 2015
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(Rakesh Kumar Jain)
Judge